

THE HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MARK JONES and MICHAEL MCKEE,  
individually and on behalf of all others similarly  
situated,

Plaintiffs,

v.

FORD MOTOR COMPANY, a Delaware  
corporation,  
Defendant.

No. 3:21-cv-05666-RAJ

**FORD MOTOR COMPANY'S  
RESPONSE TO PLAINTIFFS' NOTICE  
OF RELATED CASE**

1 Defendant Ford Motor Company (“Ford”) hereby responds to Plaintiffs’ Notice of Related  
 2 Case (the “Notice”) filed September 15, 2021. Dkt. No. 10. In the Notice, Plaintiffs asserted  
 3 *Dornay v. Volkswagen Group of America*, Case No. 3:21-cv-05646, currently pending before  
 4 Judge Settle, is related to the instant matter. It is Ford’s position that the cases are distinct and do  
 5 not fit within this Court’s definition of “related cases.” Local Rule 3(g)(4).

6 Local Rule 3(g)(4) provides that “[a]n action is related to another when the actions: (A)  
 7 concern substantially the same parties, property, transaction, or event; **and** (B) it appears likely  
 8 that there will be an unduly burdensome duplication of labor and expense or the potential for  
 9 conflicting results if the cases are conducted before different judges.” (Emphasis added.) Ford  
 10 favors judicial economy and efficiency in resolving this matter, but the two matters do not fit  
 11 within the above definition, nor will efficiencies be realized by relating the cases.

12 The two cases, although involving the same statute, will have wholly distinct underlying  
 13 facts given they are asserted against unrelated defendants. Specifically, though both complaints  
 14 involve the same statute, the Washington Privacy Act, they levy claims against different  
 15 carmakers—Ford and Volkswagen. Each carmaker produces its own vehicles and its own software  
 16 and technology. The details of these unique technologies will likely be at the core of these cases.  
 17 For that reason, the overlap in named plaintiffs between the two cases is irrelevant. Each plaintiff’s  
 18 experience with the vehicles and unique software will be different depending on the carmaker.

19 Because of the substantial differences between these cases, it is unlikely there will be any  
 20 duplication of labor or expense that is unduly burdensome. Nor is there a risk of conflicting results,  
 21 because different vehicles, software, and technology are at issue in each case. Accordingly, Ford  
 22 respectfully requests the two cases continue on separate tracks and before their currently assigned  
 23 Judges.

1 Respectfully submitted this 16th day of September, 2021.

2 DLA PIPER LLP (US)

3 *s/ Anthony Todaro*

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13 *Attorneys for Defendant Ford Motor*  
14 *Company.*

**CERTIFICATE OF SERVICE**

I hereby certify that on September 16, 2021, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the attorneys of record for the parties.

Dated this 16th day of September, 2021.

s/ Paige Plassmeyer  
Paige Plassmeyer, Legal Practice Specialist

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